
The Permit Application Process

Learning Objectives

- ◆ 40 CFR 122.21 - Application for a permit
- ◆ Who must submit permit applications?
- ◆ When are applications due?
- ◆ What forms and information are required for permit applications?
- ◆ What are the responsibilities of the permit writer?

Who Must Apply for a Permit

- ◆ **Anyone who discharges pollutants or proposes to discharge pollutants to waters of the U.S.**
 - Signatories - 40 CFR 122.22
- ◆ **Exceptions include:**
 - Dredged or fill materials
 - Some marine vessel discharges (e.g., laundry, shower, etc.)
 - Non-point source runoff
 - Indirect dischargers to POTWs

When to Apply

Type of Permit	Type of Discharger		Schedule*
Individual	New	Discharger	180 days before date of discharge commencement
		Source	
	Existing		180 days before expiration of existing permit
General	New		Specified in general permit
	Existing		X number of days following issuance of general permit

* Authorized States may use more stringent deadlines.

How to Apply for a Permit

- ◆ **Must use approved EPA or State application form(s)**
 - State forms may differ but must contain minimum required information
- ◆ **Electronic application forms under development**
 - Permit Application Software System (PASS)
 - States developing their own electronic forms
 - Web based forms under consideration for some categories of applicants

EPA Application Forms for NPDES Individual Permits

Form	Title/Applicability	Regulation Cite
1	General Information	122.21(f)
2A	New and existing POTWs	122.21(j)
2S	Treatment Works Treating Domestic Sewage (TWTDS)	122.21(q)
2B	New and existing animal feeding operations and aquatic animal production facilities	122.21(i)
2C	Existing manufacturing, commercial, mining, and silvicultural discharges	122.21(g)
2D	New manufacturing, commercial, mining, and silvicultural discharges	122.21(k)

EPA Application Forms for NPDES Individual Permits (Continued)

Form	Title/Applicability	Regulation Cite
2E	Manufacturing, commercial, mining, and silvicultural facilities that discharge only non-process wastewater	122.21(h)
2F	Stormwater discharges associated with industrial activities & discharges associated with small construction activity (no later than March 2003)	122.26(c)
None	Stormwater discharges from large and medium MS4s	122.26(d)
None	Stormwater discharges from small MS4s (no later than March 2003)	122.33

- EPA electronic versions available soon



Major Components of Form 2C

- I. Outfall location**
- II. Flow, sources of pollution, treatment technologies**
- III. Production information (if applicable)**
- IV. Improvements (if applicable)**
- V. Intake and effluent characteristics**
- VI. Potential discharges not covered by analysis**
- VII. Biological testing data**
- VIII. Contract analysis information**
- IX. Certification/signature**

Intake and Effluent Characteristics

Form 2C, Section V

- ◆ **“Part A” conventional and non-conventional pollutants including BOD, COD, TOC, TSS, NH₃, flow, temperature, pH**
- ◆ **“Part B” conventional and non-conventional pollutants (e.g., oil and grease, radioactivity, color, etc.)**

Intake and Effluent Characteristics

Form 2C, Section V (Continued)

- ◆ **“Part C” Priority Pollutants**
 - Metals, total cyanide, and total phenols
 - 2, 3, 7, 8-TCDD (dioxin)
 - Toxic Organic Pollutants
 - Volatile compounds
 - Acid compounds
 - Base/neutral compounds
 - Pesticides

Primary Industries and Required GC/MS Fractions

Industry Category	GC/MS Fraction			
	Volatile	Acid	Base/Neutral	Pesticide
Adhesives and sealants	X	X	X	—
Aluminum forming	X	X	X	—
Auto and other laundries	X	X	X	X
Battery manufacturing	X	—	X	—
Coal mining	—	—	—	—
Coil coating	X	X	X	—
Copper forming	X	X	X	—
Electric and electronic compounds	X	X	X	X
Electroplating	X	X	X	—
Explosives manufacturing	—	X	X	—
Foundries	X	X	X	—
Gum and wood (all subparts except D and F)	X	X	X	X
Subpart D - tall oil rosin	X	X	X	—
Subpart F - rosin-based derivations	X	X	X	—
Inorganic chemicals manufacturing	X	X	X	—
Iron and steel manufacturing	X	X	X	—
Leather tanning and finishing	X	X	X	X
Mechanical products manufacturing	X	X	X	—
Nonferrous metals manufacturing	X	X	X	X

Primary Industries and Required GC/MS Fractions (Continued)

Industry Category	GC/MS Fraction			
	Volatile	Acid	Base/Neutral	Pesticide
Ore mining (applies to the base and precious metals/Subpart B)	—	X	—	—
Organic chemicals manufacturing	X	X	X	—
Paint and ink formulation	X	X	X	X
Pesticides	X	X	X	X
Petroleum refining	X	—	—	—
Pharmaceutical preparations	X	X	X	—
Photographic equipment and supplies	X	X	X	X
Plastic and synthetic materials manufacturing	X	X	X	X
Plastic processing	X	—	—	—
Porcelain enameling	—	—	—	—
Printing and publishing	X	X	X	X
Pulp and paperboard mills (see footnote 2)	X	X	X	X
Rubber processing	X	X	X	—
Soap and detergent manufacturing	X	X	X	—
Steam electric power plants	X	X	X	—
Textile mills (Subpart C-Greige Mills are exempt)	X	X	X	X
Timber products processing	X	X	X	X

Responsibility of Permit Writer

- ◆ **Verify completeness of application**
- ◆ **Verify accuracy of application**

Additional Requirement for New Sources

- ◆ Where EPA issues permit and finds the permit to be a major Federal action affecting the quality of the human environment as defined under the National Environmental Policy Act (NEPA)
 - EPA determines whether an environmental impact statement (EIS) is required pursuant to NEPA
 - EIS includes recommendation to issue or deny the permit
- ◆ EPA not required to conduct NEPA review for a state-issued permit, but state environmental policy act may have similar requirements.

Reviewing Permit Applications

- ◆ Are all spaces filled in, including N/A where appropriate?
- ◆ Do the concentration, mass and flow values accurately characterize the discharge?
- ◆ Are the reported values consistent with historical information?
- ◆ Do concentration values correspond with analytical detection limits?
- ◆ Are signatory and certification requirements fulfilled (40 CFR §122.22)?

Common Omissions

- ◆ Map required in Form 1
- ◆ Flow diagram required in Form 2C
- ◆ Required metals
- ◆ Required GC/MS fractions for Primary Industry
- ◆ Expected toxics and other pollutants
- ◆ Production rates

Obtaining Additional Information

- ◆ Telephone can be used to obtain required or supplemental information (add note to permit file)
- ◆ Permit writer may request that applicant submit changes in writing
- ◆ Permit writer may request that applicant submit a new application to address deficiencies
- ◆ Additional information may be obtained under section 308 authority

Other Useful Information

- ◆ Review Discharge Monitoring Reports (DMRs), Storage and Retrieval Database (STORET) or Permit Compliance System (PCS) data
- ◆ Review previous applications or inspection reports
- ◆ Review development documents, EPA Treatability Manual, State Water Quality Standards
- ◆ Look for information on other permits (e.g., RCRA hazardous waste or air permits)